

Reconsideration of the rejection of claims 1, 2, 10, 11, 18-20, 23, and 24 under 35 USC 102b as anticipated by Rembold '855 is respectfully requested. Rembold is directed to a fuel supply system including a low pressure first pump and a second high pressure pump. The claims set forth that the first pump is a variable speed pump which pumps a variable capacity of fuel. There is no teaching in Rembold that the first pump be a variable speed pump which will pump a variable pumping capacity. Therefore Rembold does not teach the claimed invention.

Claims 12, 13, 16, and 17 have been rejected under 35 USC 103 as unpatentable over Rembold. These claims depend from claim 1 and would be patented for the same reasons since the first pump of Rembold pumps fuel at a constant capacity. There is no teaching in Rembold that the first pump pumps fuel at a variable pumping capacity.

Claims 3-6 have been rejected under 35 USC 103 as unpatentable over Rembold in view of Yoshihara. The claims depend from claims 1 and 2 and are believed patentable over Rembold for the same reason. Yoshihara has been added for teaching a variable pumping speed. Applicants fail to find a teaching in Yoshihara of pumping fuel at an increased spaced from the first pump. As set forth in Yoshihara col. 4, lines 63+, a pressure regulator 8 is provided to adjust the low pressure fuel to an adjusted predetermined pressure. Since the valve 8 adjusts the low pressure fuel to a predetermined pressure the speed of the pump is at a constant speed. Therefore claims 3-6 are believed

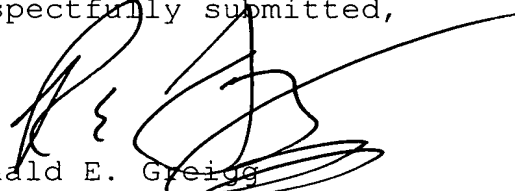
to be patentable.

Claims 7-9 have been rejected under 35 USC 103a as unpatentable over Rembold as set forth in claim 1 further in view of Tuckey. Claims 7-9 are believed patentable over Rembold for the same reasons as set forth for claim 1. Tuckey has been added for teaching a pump which increases fuel flow due to temperature changes. Rembold has first and second pumps in which the second pump pumps a high pressure fuel to the engine. Since Tuckey has only one pump which pumps high pressure fuel to a fuel rail, one skilled in the art would substitute the high pressure pump of Tuckey for the high pressure pump of Rembold. This would not affect the fuel pumped by the first pump, therefore, Tuckey does not add to Rembold for a teaching of the first pump.

It is therefore believed that Rembold alone or in combination with Yoshihara or Tuckey would not teach the claimed subject matter.

Reconsideration and allowance of the claims are courteously solicited.

Respectfully submitted,



Ronald E. Greigg  
Reg. No. 31,517  
Attorney for Applicant

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1423 Powhatan Street, Unit One  
Alexandria, Virginia 22314  
Tel. (703) 838-5500  
Fax. (703) 838-5554  
REG/MLC:hhl